



**Reporting, Review,
and Investigation of
Use of Force Report
July 2019**

Introduction

In October of 2018 the City filed the first of two reports covering “Reporting, Review and Investigation of Use of Force” (sustainment matrix deliverables 25 and 33). Under the first installment of this report just six months of Type I and three months of Type II force reporting, review and investigation, for the calendar year 2018. This follow-on report is reflective of complete data from the study period, one full year of Type I and II force. As this is a follow-up report, the informational sections are as reported in Part I and figures are updated with complete data.¹

Under Paragraph 223 of the Consent Decree, the Court retains jurisdiction over this matter “until such time as the City has achieved full and effective compliance and maintained such compliance for no less than two years.” On January 10, 2018, the Court entered an order finding the Department to be in “full and effective compliance” as of the date of the Order, thus commencing at that point the two-year “sustainment period.” Dkt. #439. The Court further ordered the parties and the monitor to “meet, confer, and prepare a plan for discharging their obligations under the Consent Decree” during this two-year period.

On March 13, 2018, the Court entered an order approving the Sustainment Period Plan developed pursuant to the Court’s January 10th order. This plan, and an attached matrix of deadlines, became the governing documents for this Sustainment Period.

As relates to SPD’s obligations under the Consent Decree, the matrix contains deadlines for SPD self-reporting or assessment of specific topical areas (“Commitments”) of the Consent Decree. These assessments and associated deadlines are provided below:

Sustainment Matrix Deliverable Nos.	Systemic Report/Audit/Assessment	Filing Deadline
6	Community Engagement	May 31, 2018
114 120	Stops and Detentions – Outcome Report	June 30, 2018 May 31, 2019

¹ No comparative analysis between the periods is possible. The period of Type II force is not equal between years 1 and 2. The characteristic counts (e.g. returned force, complaints, etc.) are low, too volatile at the weekly level and too few at the monthly level to support ARIMA approaches to forecasting and trend analysis.

Sustainment Matrix Deliverable Nos.	Systemic Report/Audit/Assessment	Filing Deadline
134 142	Stops and Detentions – Audit Report	January 31, 2019 October 31, 2019
99 111	Crisis Intervention – Outcome Report	October 31, 2018 October 31, 2019
172 180	Supervision	October 31, 2018 November 30, 2019
25 33	Force Reporting, Review, and Investigation – Type I	October 31, 2018 October 31, 2019
42 50	Force Reporting, Review, and Investigation – Type II	October 31, 2018 July 31, 2019
105	Crisis Intervention/Use of Force	December 15, 2018
56 62	Use of Force – Outcome Report	January 31, 2019 January 10, 2020
79	Force Review Board	July 31, 2019
71	Use of Force - Comprehensive	October 31, 2019
194 202	Early Intervention	March 15, 2019 December 1, 2019
156	Bias-Free Policing – Disparity Review (Use of Force and Search/Seizure)	April 30, 2019
164	Bias Free Policing – Disparity Review (Use of Force/Search and Seizure/other activity)	December 31, 2019

Consistent with schedule set forth in the Sustainment Plan, this report focuses on the Department's continued compliance with the Court-approved policies set forth in Manual Sections 8.400 and 8.500 as they relate to the reporting, investigation, and review of Type I and II use of force (Sustainment Matrix Nos. 25, 33, 42 and 50).² This report assesses, for the defined time period, whether the reporting, investigation, and review of force are being conducted completely, thoroughly, timely, and according to the policies and procedures that were put in place under the Consent Decree. This report addresses points raised in the Monitor's First and Seventh Systemic Assessments—addressing, respectively, Force Investigation and Review and Type II Force Investigation and Review—

² Methodologies for a comprehensive qualitative review of Type I, II, and III use of force will be submitted according to timelines set forth in the Sustainment Plan.

and the Monitor's September 8, 2017 Compliance Status Report, Dkt. #416, as well as continued compliance with Paragraphs 100-111 of the Consent Decree. This report also discusses SPD's efforts to incorporate the feedback provided by the Monitor and DOJ as part of their validation of Part I of this report.

SPD Policies on the Reporting, Investigation, and Review of Force

A. Classification of Force

The Seattle Police Department's Use of Force policies are published, collectively, as Title 8 of the SPD Manual. Policy sections 8.000 through 8.200 set forth the conditions under which force is authorized, when force is prohibited, and affirmative obligations to de-escalate prior to using force, when reasonably safe and feasible to do so, and to assess and modulate force as resistance changes. While recognizing that officers are often forced to make split second decisions, in circumstances that are tense, uncertain, and rapidly evolving, this policy allows officers to use only the force that is objectively reasonable, necessary, and proportionate to effectively bring an incident or a person under control. Section 8.300 addresses the use and deployment of force tools that are authorized by the Department, such as less-lethal munitions, canine deployment, firearms, OC spray, and vehicle-related force tactics. Section 8.400 prescribes protocols for the reporting and investigation of force; section 8.500 sets forth the process for review of force.³

Consistent with Paragraphs 91-125 of the Consent Decree, force is classified, documented, investigated and reviewed according to level of severity, described as below:

De Minimis Force - Physical interaction meant to separate, guide, and/or control without the use of control techniques that are intended to or are reasonably likely to cause any pain or injury. Examples including using hands or equipment to stop, push back, separate or escort, and the use of compliance holds without sufficient force to cause pain. Officers are not required to report or investigate this level of force.

Type I – Force that causes transitory pain, the complaint of transitory pain, disorientation, use of a hobble restraint, deployment of a blast ball away from people (bang-out), or

³ The most recent revisions to SPD Manual Title 8 were approved by the Court on August 14, 2018, and December 12, 2018. Under the Sustainment Matrix, the next round of proposed revisions to Title 8 are due to the Court on July 31, 2019.

intentionally pointing a firearm at a person (un-holstering or displaying a firearm without intentionally pointing it at a person or simply displaying any weapon, is not a reportable use of force). This is the most frequently reported level of force. Type I uses of force are screened by a sergeant and reviewed by the chain of command and the Force Review Unit.

Type II – Force that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm. Examples include a hard take-down or and/or the use of any of the following weapons or instruments: CEW, OC spray, impact weapon, deployment of K-9 with injury or complaint of injury causing less than Type III injury. An on-scene (where feasible) sergeant collects available video evidence and witness statements; the evidence packet and analysis of the force is reviewed by the Chain of Command and the Force Review Unit. Cases flagged by the Force Review Unit for further inquiry, in accordance with policy criteria, plus an additional random 10% of Type II cases are also analyzed by the Force Review Board.

Type III – Force that causes or is reasonably expected to cause great bodily harm, substantial bodily harm, loss of consciousness, or death, and/or the use of neck and carotid holds, stop sticks for motorcycles, officer-involved shootings (regardless of injury), and impact weapon strikes to the head. Type III force is screened on-scene by a sergeant, investigated by the Force Investigation Team, and analyzed by the Force Review Board.

B. Review of Force – Chain of Command

As set forth in 8.400 and 8.500, force is reported, investigated, and reviewed as follows.

For Type I incidents, officers are required to screen the use of force with an on-duty supervisor (usually sergeant) where practical, prior to a subject being booked or released. If there is any uncertainty or concern as to the reason or nature of the force, or existence of any injury, the sergeant is required to respond immediately to the scene, unless impractical. Prior to the end of their shift, the officer will upload and flag in-car video (ICV) and body-worn video (BWV) with the incident number and complete a use of force report in Blue Team, including a brief narrative entry describing what occurred, a description of the force used, explain why the force was necessary, and document who screened in the incident, where the screening occurred, and any other facts of note. The investigating supervisor (sergeant) will review the documentation as soon as practicable, and direct the officer to provide more information if needed. Sergeants, in turn, are required to provide a brief summary of their investigation in Blue Team and forward the packet, via Blue Team, to the reviewing lieutenant.

For Type II incidents, officers are required to notify and review the incident with an on-duty sergeant. The officer uploads and flags ICV and BWV with the incident number, completes a General Offense Report if appropriate, and completes a Type II Use of Force Report in Blue Team prior to the end of shift. The officer includes in that report:

- the name and serial number of the involved officer, any witness officers, and any other identified witnesses;
- a detailed description of the circumstances and the law enforcement objective that led up to the contact;
- a detailed description of the words, actions, or behaviors of the subject that precipitated the need for force;
- a detailed description of any force clearly observed being used by other officers during the incident;
- a detailed description of any injury to the subject, any complaint of injury, or the lack of injury, including information regarding any medical aid or medical evaluation provided; and
- the name and serial number of the sergeant who screened the incident.

For Type II incidents, a sergeant is required to respond to the scene, to assess the subject's injuries, and determine whether the subject's injuries are consistent with the force reported. The sergeant interviews the subject, confirms that appropriate medical aid is offered, and obtains basic case information. The sergeant identifies and secures evidence to enable them to summarize the use of force and the surrounding circumstances; such evidence includes physical evidence, audio and video recordings, photographs, and documentation of the presence or absence of injuries. The sergeant also attempts to locate and interview relevant civilian witnesses. The sergeant then completes a Use of Force Report in Blue Team, summarizing the incident, the investigation, and relevant evidence, and forwards the investigation to the Administrative Lieutenant, who – for Type II investigations – is responsible for completing the investigation.

For both Type I and Type II investigations, the following is determined and documented in IAPro:

- Whether the force report is thorough and complete;
- Whether the force used was necessary and objectively reasonable;
- Whether the force used was consistent with Department policy;
- Whether any concerns were sufficiently addressed;
- Identification of any additional concerns and action taken to address them.

The reviewing lieutenant then forwards the force packet to the captain (or acting captain designee), who conducts a similar inquiry but also determines whether the reviewing lieutenant's findings are supported by a preponderance of evidence.

One important point should be noted with respect to the review of Type I force. The Consent Decree requires that an involved officer document all Type I use of forces and that a supervisor review the report, screen the subject of force orally and in person unless impractical. Consent Decree ¶¶ 100-01. It further requires the supervisor to evaluate the incident, determine whether the force was correctly classified as Type I, and take appropriate action to address any concerns or misconduct. *Id.* ¶ 102. As a matter of policy, SPD has gone further than the requirements of the Consent Decree and set forth a chain of command review of Type I force up through the rank of captain or acting captain.

C. Review of Force – Force Review Unit/Board

The findings of the Force Review Unit and Board are the basis of this Audit. These entities review all uses of force and determine, among other things, whether the force was reported, reviewed, and investigated appropriately and whether it was compliant with SPD policy, and consistent with SPD training, and core principles. Their findings and analysis as to the reporting, review, and investigation of force, aggregated over the study period, constitute the Audit. Following chain of command review, all Type I and Type II cases are sent to the Force Review Unit, a select group of personnel (comprising a captain, a lieutenant, a sergeant, and two detectives) who received specialized training in the review of force. For Type I cases, the FRU reviews the force documentation to provide quality assurance for thoroughness and completeness, and reviews the chain of command's determination with respect to the reasonableness of the use of force. For Type II cases, the case is reviewed up the unit chain of command – detective to sergeant to lieutenant to captain, each of whom is separately tasked to identify any training, tactical, or policy concerns.

If a serious policy violation is found at any point during a Type II review, separate and apart from the chain's and FRU's responsibilities to refer the matter to the Office of Police Accountability, the FRU is further required to refer the case to the Force Review Board (FRB) for further discussion and review.⁴

Like members of the FRU, the FRB is a select group of SPD personnel who are specially trained to investigate officer uses of force. The FRB meets regularly to make

⁴ The Force Review Board reviews all Type III uses of force.

determinations as to (1) whether a use-of-force investigation is thorough and complete; (2) whether the force was compliant with SPD policy, and consistent with training, and core principles; and (3) whether any broader, systemic issues need to be addressed with respect to policy, tactics, equipment, or otherwise.

The FRU also refers to the FRB Type II cases involving either the use of a less-lethal tool or physical contact between the subject and a police canine, or cases in which FIT was contacted for a Type III use of force screening but declined to respond or investigate. Further, for purposes of quality assurance of the FRU's work, an additional 10% of Type II cases are randomly selected and forwarded to the FRB for full FRB review.

Source Data Integration and Analysis

Data for this report is sourced from the Data Analytics Platform, a comprehensive enterprise-wide platform that consolidates data from multiple unique source systems and allows for ad hoc, integrated, and dynamic reporting and analysis. The approach described herein reflects a process of structuring data for the systems for review and oversight of use of force that have been in place since 2014.

The DAP consists of three primary and essentially interconnected technical and management systems: 1) a data warehouse, 2) a User Interface (UI), and 3) a system of data governance to assure quality data and analytics.⁵ In this environment, data flow from the transactional systems used to support the delivery of police service (Police Data Systems, or PDS), through an Extract Transform and Load (ETL) process, to populate a Data Warehouse (DW) and a user interface (UI) through which information is returned to the field for analysis and use as a supervisory and systems oversight resource.

Police Data Systems (PDS) (e.g. Records Management Systems, Computer Aided Dispatch, etc.) serve to accurately capture a record of activity or behavior in the field, as faithfully

⁵ DG is an ongoing process of identifying, investigating / analyzing, remediating, mitigating and monitoring for common data quality issues certain common errors and critical errors essential to relating and counting data. PDS systems support the business of police service delivery and are designed to produce the ideal data for analysis. As part of the mitigation and monitoring phase of the DG cycle, special packages of software check for "bad data" as records matriculate into the warehouse in a process called error handling. At this stage of the BI cycle, insight about the nature of the data is applied to continual improvement of the quality of the data and the resulting analysis.

as possible.⁶ Once an officer enters a record into one of the several PDS used to administer the business, the warehousing process engages to query new and changed records through ETL. This process occurs once a day in the early morning, when load on the servers and infrastructure is at a period low. As it is the nature of policing to evolve records, new information is constantly entered, and as such, data must be updated in the warehouse.

The final phase of the warehousing process populates the UI online data store, Tableau Server, with business translated Tableau Data Source (TDS) for use in analysis. As part of the development process used to construct the DAP, business analysts investigated business processes and captured documentation to assure fidelity and complete understanding of the more than 1400 individual data elements present in the DAP. The most visible application of this documentation is the in semantic layer. Every TDS translates the database names used to make the warehouse operate without conflict, into business names. Each dimension and measure is labeled with an intuitive and unique name that corresponds to a document called the Data Tractability Matrix (DTM) – a catalogue of every data element, its origin, translation, error handling, and eventual business representation in the semantic layer.

The DAP is a business intelligence system built for domain-specific users (e.g. sociologists, criminal justice researchers, psychologists, legal scholars, etc.), professional analysts, and researchers. Once warehoused, documented and presented in the TDS, data are diverted to internal, external and collaborative research projects to better understand the underlying systems, business processes and insights present in the data. Professional researchers and analyst employed by the Department utilize the data to answer ad hoc questions pertinent to public policy or strategic planning, generate special reports on topics involving advanced research methods, and operationalize the insights generated by our network of more than forty researchers around the world.

In addition to contributing to the public policy and strategic planning process with guidance based in an empirical understanding of the business and the environment it operates in, Key Performance Indicators (KPIs) are used to identify, understand, and cycle issues back to the field for near-real-time management. Dashboards are used to monitor areas identified for their strategic importance to the Department (*e.g.* interactions with

⁶ Subject Matter Experts (SME's) from the Department's Performance, Analytics & Research consult on the configuration and change management of PDS, assuring that data is granulated to the appropriate level for the intended method of analysis and that survey effects (*e.g.* fatigue, frustration, impression management and observer bias, etc.) are controlled.

community members in behavioral crisis, use of force, constitutional policing). In addition, specialty units, such as the Crisis Response Unit (CRU), are able to request and operate special reports used to manage their area of the business and general supervision or management tools are provided to promote healthy interactions between supervisor and subordinates.

This discussion of reporting, investigation, and review of Type I and II Uses of Force, FRB and FRU relies in large part on SPD's already existing data management and reporting system. The data flow for processing the reporting, investigation, and review of use of force is processed through commercial off-the-shelf PSD software, IAPro and Blue Team. Blue Team is a web-based application that serves as the central collection point for all Use of Force documentation by the officer using force and the investigating, reviewing, and approving chain of command. Officers enter information about the event in a web form and submit the report to a supervisor for investigation, review and approval by the chain of command. Once the chain completes their documentation, the report is submitted to the Force Review Unit (FRU), at which point the record matriculates from the Blue Team application into IAPro. The DAP runs once a day to collect new and updated records from a variety of transactional systems, including IAPro / Blue Team. Once the record matriculates from the Blue Team application into IAPro and is assigned a file number, the DAP consumes the record and relates it to other data held in the warehouse.

As part of its ongoing efforts to implement management best practices, in May of 2018, the Department began a rapid development process to create a custom software application to capture *unstructured* data relating to force reporting, investigation, and review to allow for heightened transparency and accountability around the administrative processes for critical review of force. Leveraging the already existing DAP and Tableau technology, the new software supports an automated workflow process to streamline reporting of all audit elements going forward, including elements relating to process. While the Blue Team (BT) / IAPro Commercial Off the Shelf (COTS) solution collects most of the data related to Use of Force and Force Review some gaps exist; as relevant here, data related to the quality of documentation and review, as well as the FRB findings, were not routinely available for reporting. To address this gap, this new process fields many of the Quality Control (QC) metrics that are captured in unfielded documentation attached to the use of force records.

The system employs an Oracle database and "front end" in a platform called APEX. The application generates a queue as reports process out of the Blue Team workflow tool. As FRU/FRB conduct oversight and quality control review of the records, they select the appropriate case in the APEX system and document their review. Once a review is

complete and submitted to the database, DAP runs to “pick up” completed reviews and relate them to the more than 1400 individual data elements housed there.

To increase insight into force reporting, investigation, and review, SPD developed a new Force Inspection Form, which is generated for every FRU review of a use of force. The form is modeled upon forms currently being used in FRU that are designed to ensure that all Consent Decree, policy elements, and timelines associated with force investigation and review are considered and captured by the FRU. In addition, as automated through the custom application, additional information necessary to contextualize or explain “no” answers (such as would appear in the “notes” column of the template forms) is captured in structured form through drop-down options triggered upon entry of “no” response.

If the use of force review packet is returned to the chain of command for correction on any point, that too is noted in this form, which accompanies that transaction in the notes appended to the record in IAPro. Aggregate measures derived from this form are used to assess the ongoing health of the force review and oversight infrastructure and make policy or procedural changes where necessary.

Between the first report, submitted to the court on October 31st of 2018, and the writing of this report, some enhancements were made to the FRU application. In addition to addressing some minor *bugs*,⁷ enhancements were made to close gaps related to reporting of subject disposition and medical aid. The proposed scope of enhancements for version two included an automated queuing of assessments. Due to workflow limitations between BlueTeam and IAPro and resource constraints within the public safety support team at Seattle IT, this enhancement was not possible. As a result, assessments must be manually queued in the application. This manual process necessitates data entry of paper assessment documentation, used to bridge the functionality, and results in several duplicate entries identified in this analysis and logged with the DG program for remediation.

Audit Methodology

The scope of review for reporting, investigation and review of Type I and Type II uses of force comprised all completed use of force investigations between January 1 and December 31 2018. The objective for this audit is to determine whether officers’ reporting and documentation of force, and the chain of command investigations as to the

⁷ For example, some labels in the beta release of the application were amended to clarify language.

same, complies with the use of force policies corresponding to paragraphs 100-111 of the Consent Decree over the selected timeframe.

Information captured, and analyzed, relating to the reporting of Type I force comprise:

- General incident information (General Offense number, IAPro number, Precinct/Section, date of incident, date investigation close, type of force);
- Employee information (name, serial number, assignment, reviewing sergeant and sergeant assignment); and
- Completeness of report (summary/narrative of incident, description of force used, articulation as to why force was necessary, location of force on the subject's person, whether (and with whom/when) the force was screened, whether ICV of the incident exists).

Information captured, and analyzed, relating to the chain of command review of Type I force comprise, as to the sergeant:

- Whether the screening sergeant reviewed the documentation as soon as practicable and directed the officer to supply more information, if needed;
- Whether the sergeant screened all Type I uses of force in person where practical.
- If not practical, whether the supervisor screened Type I uses of force prior to the subject being booked, released, or otherwise have their contact concluded;
- Whether the sergeant reviewed the officer's classification of force and corrected it when necessary.
- Whether the sergeant addressed any concerns with the involved officers;
- Whether the sergeant referred any misconduct related to use of force to OPA; and
- Whether the sergeant forwarded the report, with the sergeant's own review, to the next level reviewer.

Information captured, and analyzed, relating to the chain of command review of Type I force comprise, as to the lieutenant:

- Whether the lieutenant reviewed and approved the involved employee's use of force report;
- Whether the lieutenant reviewed and approved the supervisor's investigation;
- Whether the lieutenant reviewed and approved the use of force;
- If the lieutenant did not approve any of the above, whether the lieutenant took appropriate action (such as giving feedback or making an OPA referral);
- Whether the lieutenant documented their review in Blue Team; and
- Whether the lieutenant referred any misconduct related to use of force to OPA, if not already done.

Information captured, and analyzed, relating to the chain of command review of Type I force comprise, as to the captain or designee:

- Whether the captain or designee approved the lieutenant's analysis;
- Whether the captain ensured issues/concerns identified were addressed;
- Whether the captain approved the force as consistent with policy;
- If captain did not approve any of the above, whether the captain took appropriate action (such as giving feedback or making an OPA referral);
- Whether the captain reviewed timeline compliance (or noted an extension); and
- Whether the captain referred misconduct related to use of force to OPA, if it had not already been done.

Type II uses of force cases follow a similar, but more robust process. In addition to the general incident information described above, information captured, and analyzed, relating to the investigation of Type II force comprise, as to the sergeant:

- Whether the sergeant gathered all required information as soon as practicable;
- Whether the sergeant screened all Type II uses of force in person where practical;
- If not practical, whether the sergeant screened Type II uses of force prior to the subject being booked, released, or otherwise have their contact concluded;
- Whether the sergeant classified the force or reviewed the officer's classification of force and corrected it when necessary;
- Whether the sergeant addressed any concerns with the involved officers;
- Whether the sergeant referred any misconduct related to use of force to OPA; and
- Whether the sergeant forwarded the documentation to the administrative lieutenant.

Information captured, and analyzed, relating to the chain of command review of Type II force comprise, as to the administrative lieutenant:

- Whether the administrative lieutenant reviewed the involved employee's use of force report;
- Whether the administrative lieutenant reviewed the sergeant's documentation;
- Whether the administrative lieutenant reviewed the use of force;
- Whether the administrative lieutenant documented their review in Blue Team; and
- Whether the administrative lieutenant referred any misconduct related to use of force to OPA, if it had not already been done.

Information captured, and analyzed, relating to the chain of command review of Type II force comprise, as to the watch commander:

- Whether the watch commander reviewed and approved the involved employee's use of force report;
- Whether the watch commander reviewed and approved the sergeant's documentation;
- Whether the watch commander reviewed and approved the use of force;
- If watch commander did not approve any of the above, whether the watch commander took appropriate action (such as giving feedback or making an OPA referral);
- Whether the watch commander documented their review in Blue Team;
- Whether the watch commander referred any misconduct related to use of force to OPA, if it had not already been done.

Information captured, and analyzed, relating to the chain of command review of Type II force include, as to the captain or designee:

- Whether the captain approved the lieutenant's analysis;
- Whether the captain ensured that any issues/concerns identified were addressed;
- Whether the captain approved the force as consistent with policy;
- If the captain did not approve any of the above, whether the captain took appropriate action (such as giving feedback or making an OPA referral);
- Whether the captain made a conclusion as to timeline compliance (or noted an extension);
- Whether the captain referred any misconduct related to the use of force to OPA, if it had not already been done.

Findings

A. Overall Distribution of Use of Force and Force Review

Between January 1 and December 31, 2018, a total of 868,372 officers were *dispatched* to or *on-viewed*⁸ a total of 400,804 distinct events.⁹

In 1,384 (.35%) of these incidents, a total of 621 officers reported using force at some level, resulting in 2,250 reported uses of force.¹⁰ Approximately 83% (1,859) of reported force was classified as Type I; 16% (366) of force was classified as Type II; the remaining 1.1% (25) of force was classified as Type III.¹¹

Table 1: Distribution of Force by Type¹²

Type of Force	Use of Force Count	%
Type I	1,859	82.6%
Type II	366	16.3%
Type III	22	1.0%
Type III – OIS	3	0.1%
Grand Total	2,250	100%

⁸ All police activity begins with the creation of an event in SPD's Computer Aided Dispatch (CAD) system. These CAD Events are classified by how they are initially received and aggregated, for the purpose of analysis, into "dispatched" and "on-viewed" classifications. Dispatched events are created when a community member requests police service. On-viewed calls are created when an officer observes behavior or activity that may represent a hazard to public safety, an opportunity to assist the public or a crime that has or is about to occur.

⁹ Dispatches, or the unique combination of an officer assigned to a unique CAD Event, represent the most granular base unit of workload and thus the denominator of the use of force rate. For the purposes of this analysis, it is assumed, whenever an officer is engaged in the delivery of police service, the potential for reportable force exists. Following implementation of the New Records Management System (NRMS), Mark 43 ("Mk43"), an arrest rate of use of force is possible to calculate. Future analysis will explore, in depth, the benefits and limitations of both measures.

¹⁰ Use of force count refers to the number of officers using either a Type I, Type II, or Type III use of force; case count refers to the number of distinct events (General Offense numbers) involving one or more uses of force.

¹¹ In reviewing the data for this report, SPD noticed a typo in the data reported in the October 2018 report. In that report, SPD identified 1059 officers as reporting uses of force. This number is incorrect. The number of officers who reported force during the period of that report is 523.

¹² Note: Case Count and Officer Count are not column totals. These measures represent distinct counts of report numbers & officer serial numbers in the system.

Two Type III incidents involved an officer-involved shooting (OIS) in which three officers used Type III force. See Table 1. As is discussed in further detail throughout this report, SPD reported 1,384 use of force cases. Each case may have multiple types of reportable uses of force. With the exception of a notable increase in the proportion of Type I force reporting, as discussed in the Departments 2019 [Annual Use of Force Report](#), this distribution of use of force remains relatively consistent with past trends. The Department continues to monitor and assess the root cause of the increase in force reporting and will detail any findings in future reports.

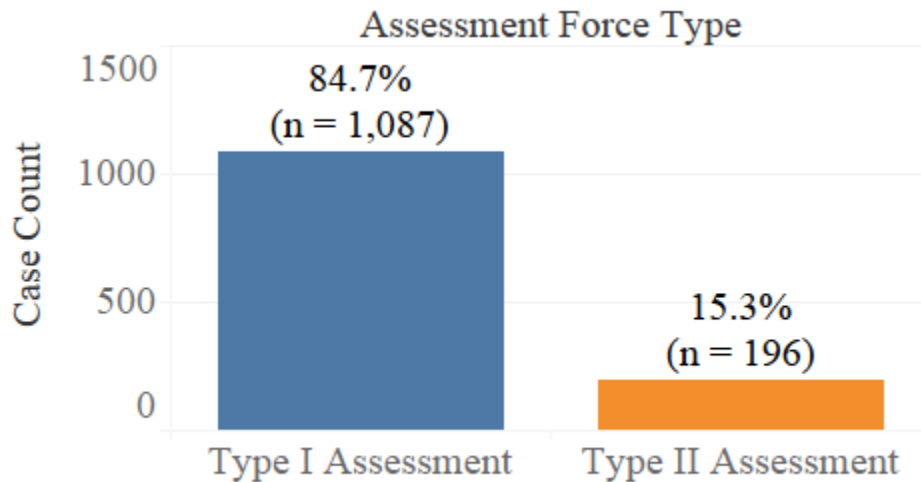
The FRU was established to support the FRB and offer maintenance and operational support for the IAPro / Blue Team suite of systems. The FRB reviews Type III and Type III – OIS force, certain types of serious Type II force, as well as a random selection of Type II force (10%) and conducts these reviews at the case level. FRU processes use of force Quality Assurance (QA) assessments according to this model and records their findings, as well as any findings of the FRB, in the FRU application described earlier in this report.

This report includes force cases (Type I and II) that occurred and were closed during the calendar year 2018, and then loaded into the assessment tool for data entry.¹³ Of the 1,370 Type I and Type II cases involving at least one reportable use of force, 1,283 (94%) cases were entered for assessment. Those cases are the population for this report.

Of the 1,283 cases FRU assessed, 84.7% cases were assessed as Type I; 15.3% were assessed at Type II.¹⁴ See Figure 1.

¹³ Future versions of the FRU Application will synchronize the queue with the business, enabling real-time data entry of use of force assessment. Currently, the process is dependent on a manual “load” into the assessment tool, which must take place several weeks before the data is pulled for analysis, to allow time for the FRU to manually enter hardcopy assessments used to maintain the workflow. While only 1,283 assessments were available for analysis, all use of force during this period were subject to and completed assessment.

¹⁴ Again, one incident may involve multiples types/uses of force. For example, if two officers report using Type II force to bring a subject into custody and a third officer reports using Type I force associated with the transport of the subject, all three uses of force would be included and reviewed under the same GO and assessed under a Type II case.

Figure 1: Distribution of Closed Use of Force Cases by Type

Roughly six percent (6%)¹⁵ of the cases contained some combination of Type I and II force. Because FRU assesses cases at the highest level of force used in the incident, these cases were reviewed as Type II cases and included 71 total Type I uses of force. See Table 2.

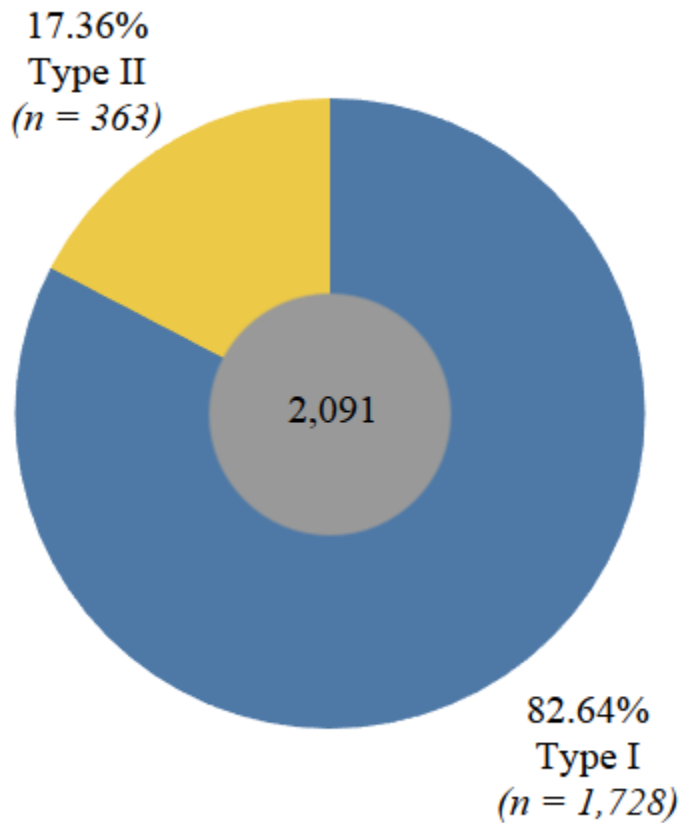
Table 2: Distribution of Force Review Cases by Type¹⁶

	Type I Assessment	Type II Assessment
Type I	1,087	71
Type II	2	196

Across these 1,283 cases, a total of 2,091 Type I or II uses of force were reported. Of these 2,091 uses of force, 1,728 (83%) were classified as Type I; 363 (17%) were classified as Type II. See Figure 2.

¹⁵ Note: Part I reporting identified 3.3% of incidents as containing some combination of Type I and II force. This is due to the unequal periods of Type I (6 months) and II (3 months) involved in the initial report.

¹⁶ Table 2 also shows that two uses of force were classified as Type II, while FRU assessed them as Type I cases. Those file numbers are 2018UOF-0046 and 2018UOF-0479. These uses of force were classified initially as Type II but after FRB reviewed them, FRB assessed them to be Type I uses of force.

Figure 2: Breakdown of Closed Use of Force Assessments by Classified Type

B. Case Quality - Reporting

FRU and FRB review use-of-force reports and determine whether the report is complete and if it was documented, screened, and reviewed in accordance with policy.¹⁷ They also evaluate the thoroughness of the investigation. Some minor deficiencies may result in the case being returned to the field for correction; however, in the event of substantive defects in quality of the investigation or the substance of the report FRU / FRB takes appropriate corrective action.

Of the 1,087 Type I cases where FRU conducted a Type I assessment, 5 cases (.5%) involved duplicates. These were treated as data quality errors and removed from this

¹⁷ Type I force, occurring with a Type II under the same case, are only reviewed for completeness.

portion of the analysis. Of the new population (1,082), 144 (13.3%) cases were returned to the chain of command for additional information. (see Table 3).

Given SPD's practice of processing uses of force as a case and the one-to-many relationship between a case and its potentially-multiple force reports, a single deficiency in one report will result in the entire case, including all associated reports, being returned. In other words, it cannot be assumed that all of the force reports contained in the 13.2% of cases returned were deficient; the true rate is likely lower.

With a full year of data, FRU's final *acceptance* rate for Type I cases in 2018 was 87% which matches the finding reported in the Monitor's First Systemic Assessment on Force Investigation and Reporting, and which the Court relied upon to find the Department to be in full and effective compliance.¹⁸ See Table 3. Accordingly, this result demonstrates SPD's maintained compliance with paragraph 100 of the Consent Decree.

Table 3: Case Acceptance Rate, Type I

	Case Count
Type I Assessment Accepted	938
Returned	144
Total	1,082

No immediate trend or clustering by precinct¹⁹ was observed of returned cases. Of the cases FRU returned to the chain of command, they were roughly speaking, evenly distributed across the precincts. See Figure 3.

Some minor differences were observed between the first and the second report, with regard to Type I force returned for quality. In the first report, the Field Training Squad saw the largest percentage of returned cases. With a full year of data, West Precinct 3rd Watch – Mary Sector was observed with the most returned cases (10), a very small percentage of their overall force reports.

¹⁸ See Monitor's First Systemic Assessment on Force Investigation and Reporting at 50.

¹⁹ Two concepts of "precinct" are used in analysis of force and force review. For the purposes of this report, focused on supervision, review and accountability of use of force, the precinct as a "functional assignment" rather than a physical location is used. It should be noted, with some exceptions, when a use of force occurs near a geographic precinct boundary, officers from multiple precincts may be involved.

Assignment of Officer, Type I

WEST PCT 3RD W - MARY % of Case: 6.7% Case Count: 10 UoF Count: 14	EAST PCT 1ST W - E/G RELIEF (CHARLIE) % of Case:	NORTH PCT OPS - ACT DAY % of Case: 3.4% Case Count:	SOUTH PCT 3RD W - OCEAN % of Case: 3.4%	SOUTH PCT 3RD W - SAM % of Case: 3.4% Case Count:	WEST PCT 1ST W -	EAST PCT 2ND W -
TRAINING - FIELD TRAINING SQUAD % of Case: 6.0% Case Count: 9 UoF Count: 9	EAST PCT 2ND W - E/G RELIEF % of Case:	EAST PCT 3RD W -	EAST PCT 3RD W -	NORTH PCT 2ND W - JOHN	NORTH PCT 2ND W - JOHN	SWAT - DAY SQUAD 2
WEST PCT 3RD W - DAVID % of Case: 4.7% Case Count: 7	SOUTH PCT 1ST W - SAM % of Case: 2.7%	WEST PCT 2ND W - MARY				
WEST PCT 3RD W - K/Q RELIEF % of Case: 4.7% Case Count: 7	WEST PCT 3RD W - D/M RELIEF % of Case:	WEST PCT 3RD W - KING				
EAST PCT 3RD W - E/G RELIEF % of Case: 4.0%	WEST PCT 3RD W - QUEEN % of Case:					
WEST PCT 3RD W - DAVID BEATS % of Case: 4.0%	EAST PCT 1ST W -					
	EAST PCT 2ND W -					

Among Type II force ($n = 196$), eight (8) cases 4.1%,²⁰ were returned to the field. See Table 4.

Table 4: Case Acceptance Rate, Type II

		Case Count	% of Cases
Type II	Accepted	188	95.9%
	Returned	8	4.1%
Total		196	100.0%

These results show improved performance over the 2016 findings used to support the Monitor's determination that SPD was in initial compliance with paragraphs 103-111.²¹ The Monitor's Seventh Systemic Assessment examined the reporting and investigation of Type II uses of force occurring in the study period of January 1, 2016 through March 31, 2016. See Dkt. 360 at 8. That report concluded that only 63 percent of the investigative files compiled by sergeants were thorough or adequate and that only 54 percent were thoroughly and accurately written. It identified this as an improvement area going forward. *Id.* at 19-20. The Seventh Assessment found that four of the 27 incidents reviewed did not include all material evidence gathered. *Id.* at 21.

For these reasons, SPD has demonstrated that it has not only sustained but improved its performance in this area.

C. Case Quality – Review and Investigation

The review and oversight infrastructure operated by the Department includes three levels of field review and a final QA / selective review phase operated by FRU / FRB. The three field review levels exist to investigate, review, and approve force.

FRU / FRB QA documented and reported when the investigations and chain-of-command reviews of the uses of force were incomplete. They returned those cases to the chain-of-command to complete. FRU may return a case to the chain of command for more than one reason which is reflected in Table 5. Of the 144 Type I cases that FRU returned, 179 total required fields of information were missing: ninety (90) body diagrams were missing,

²⁰ Note: this rate is down from 9.6%, as reported in Part I.

²¹ Monitor's Seventh Systemic Assessment at 7.

twenty-seven (27) investigations and reviews were not included in Blue Team comments, and seven (7) were missing the level of force.

Table 5 Type I Returned Reasons

Type 1 Returned Reasons	
Null	1
Investigation/Review not in BT Comments	27
Missing Investigation/Review	12
Body Diagram	90
Force Not Listed	7
Other	42
Total	179

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Of the eight Type II cases, involving 10 uses of force, that FRU returned, six (6) were returned as missing documentation of the force on the Blue Team “Body Diagram.” The remaining four (4) were returned for other reasons identified in Table 6. As with the Type I cases, a case may have been returned for multiple reasons.

Table 6: Type II Returned Reasons

Type II Returned Reasons	
Diagram	6
Force Reporting	2
Force Review	1
Other	1
Total	10

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As noted in the October 2018 report, SPD's FRU conducts its quality assurance role, returns cases, when necessary, to the chain of command, and assists with training and education for the chain-of-command. For example, FRU noticed missing information in 18-0578, a SWAT case. Specifically, the report was missing the body diagram and there was an inquiry from the SWAT lieutenant about a BWV equipment related issue. The case was updated and the equipment issue forwarded to the department's BWV training coordinator. The Type II incidents that were returned in 2018 are listed in Table 7.

Table 7: File numbers for the Type II Returned cases

File Number	Reason	UoF Count
2018UOF-0119	Diagram	1
2018UOF-0317	Diagram	1
2018UOF-0318	Diagram	1
2018UOF-0319	Diagram	1
2018UOF-1284	Diagram	1
2018UOF-1880	Diagram	1
2018UOF-0519	Force Reporting	1
2018UOF-0578	Force Reporting	1
2018UOF-0085	Force Review	1
2018UOF-0578	Other	1
		10

D. Timeline Compliance

Policy affords the chain of command 30 days to complete Type I and Type II reviews of use of force, absent an extension from the Bureau Chief. Overall, review of all but 3.6%²² of Type I cases was completed within 30 days; in all but four of those instances, the

²² Note: up from 2.87% reported in Part I.

timeline extension was documented. A majority (71.7%) of Type II cases²³ exceeded the 30-day review period; however, in all cases an extension was documented.

As reported in the October 2018 report, the amount of Type II cases exceeding the 30-day period appears to be due to the Department's new body worn video (BWV) policy. By policy, the review of Type II force requires the administrative lieutenant to view all BWV footage, which can take a significant amount of time depending on the volume of video.²⁴ To examine the impact of BWV review on Type II reviews, a comparison was run between two months in 2017 and 2018 (BWV training began in September 2017 and was completed in mid-February 2018; by March, all patrol officers had deployed with body cameras). On average, reviews of Type II cases in March 2017 took 19 days; in March 2018, that averaged increased to 34. Similarly, in May 2017 (excluding May Day incidents), Type II reviews averaged 25 days; in May 2018, that average increased to 41 days. (Generally, SPD responds to more incidents in May than in March, which likely explains the seasonal variation.)

Because BWV is still a relatively new requirement, at present it is too early to recommend a policy revision to lengthen the review period. To investigate further, the Force Review Unit and Board will, moving forward, start recording the reason provided by supervisors for granting extensions, so that the reasons can be analyzed in the future.

Changes Implemented since October 2018

As part of the October 2018 report, the DOJ and the Monitoring Team provided technical assistance based upon their audit and review of a selection of Type I and Type II cases. They recommended that SPD give attention to three areas. SPD has implemented operational and policy changes that begin to address their recommendations.

- The DOJ and Monitoring Team noticed that precinct captains routinely delegated reviewing authority of Type I uses of force to the precinct operations lieutenant and worried that delegation could become wide-spread. In response, SPD has proposed policy changes which would allow the precinct captains to delegate reviewing authority to their operations lieutenants only.

²³ Note: down from 77.5% reported in Part I.

²⁴ For example, if two police units, each with two officers, responded to a scene before BWV, there would be 2 ICV's to review. With BWV, that same response would have 2 ICV's to view and 4 BWV. A call that took one hour to clear, would have two hours of ICV and four hours of BWV for a total of 6 hours for video review, compared to only 2 hours of video review before BWV.

- The DOJ and Monitoring Team recommended that the captains' reviews more thoroughly discuss the adequacy of the lieutenants' reviews. In response, SPD changed the review template used by captains to prompt more analysis and is developing a use of force review training for lieutenants and captains that will occur in 2019.
- The DOJ and the Monitoring Team expressed concerns about "cut and pasted" reviews done by the chain of command and assumed this resulted from too many Type I use of force reports, many which arose from complaints of handcuffing pain. SPD's policy regarding handcuffing pain changed on January 19, 2019. SPD has seen a reduction in Type I uses of force reports with the change. From January 1, 2018 to June 30, 2018, SPD officers reported 848 Type I uses of force, inclusive of 359 reports of handcuffing pain. During the same period in 2019, SPD officers reported 490 Type I uses of force and 442 "handcuff discomfort only." As anticipated, early reports indicate that the numbers of Type I use of force reports will decline with the change in handcuffing policy.

LIMITATIONS

While drafting this report some data anomalies were identified. We are in process of reconciling the data and will make programmatic corrections where applicable to correct them. The assessments have not been performed on all 2018 uses of force. During analysis of the data it was noted that 101 Cases involving 156 uses of force were not loaded into the assessment tool. While a case may have more than one classification of force type, the assessment for the entire case is conducted at the highest level for the entire case. The count of these cases is undergoing analysis. During the analysis of the data it was noted that some assessments were not conducted at the highest level. There are 11 Type I use of force cases that have duplicate assessments for a total of 22 assessments. Not all the subjects are loaded into the assessment data.

CONCLUSIONS

This report provides the necessary evidence that the Department continues to comply with its reporting, review, and investigation obligations for Type I and II uses of force under paragraphs 100-111 of the Consent Decree. Indeed, the findings of this audit demonstrate that SPD has made substantial progress and improvement when measured against the benchmarks for completeness and thoroughness of review and investigations that were established by the Monitor's First and Seventh Assessments. With a robust reporting tool now embedded into the DAP for measuring policy requirements around force review and investigation, the Department will continue to monitor the system for trends that emerge;

as identified in this report, specific attention should be giving timeline requirements with respect to Type II investigations, whether policy adjustments are needed, and whether extensions are founded in light of the overall workload of the chain.

The first report indicated that 6.7% Type I cases were returned to the chain-of-command for additional information. Based on a full year of data, 13.3% of cases were returned for additional information. This disparity is likely the result of the limited population of data utilized in the initial report. SPD's operational tempo, across all measures of performance, is at a yearly low shortly after the first of the year and reaches its maximum around July. SPD will continue to monitor the data to fully understand this dynamic but is reassured that most of the cases that were returned were for minor reasons, such as an incomplete body diagram.

VALIDATION

In Phase I of the work of under the Consent Decree, DOJ and the Monitoring Team reviewed SPD's compliance with the requirements of the Consent Decree through 10 assessments, covering the roughly six topic areas of the Consent Decree: force investigation and reporting, crisis intervention, supervision, Early Intervention System ("EIS"), use of force, and stops and bias policing. By the end of 2017, the Monitoring Team and DOJ found the City of Seattle to be in compliance with each area. On that basis, the Court issued a finding of "full and effective compliance" with the requirements of the Consent Decree. By the terms of the Consent Decree, the City of Seattle is now required to demonstrate that it has sustained compliance with those requirements for a period of two years.²⁵

During this Phase II of the Consent Decree work, the City of Seattle has taken over the lead role in conducting assessments of the six core topic areas of the Consent Decree. By taking this lead role, SPD must demonstrate not only sustained compliance, but also a willingness and ability to critically self-assess their own progress in these areas, which are central to effective and constitutional policing.

²⁵ Although the Court found that the City has fallen partially out of full and effective compliance with the Consent Decree in its May 21, 2019 Order, the Court did not find that the City has fallen out of compliance in any area covered in the Phase II Sustainment Plan. See Dkt. 562 at 2. The Court indicated that it "remains hopeful that the City can complete these assessments and discharge these areas of the Consent Decree within the two-year sustainment period." *Id.* These assessments, and DOJ's and the Monitoring Team's review of these assessments, is therefore unaffected by the Court's May 21, 2019 Order.

This does not mean, however, that the work of DOJ and the Monitoring Team is done. In Phase II, DOJ and the Monitoring Team will review the City's proposed methodologies for each audit and will conduct their own independent analysis or "look behind" of the City's review.

For this audit, DOJ and the Monitoring Team consulted with SPD and ultimately approved the methodology used by SPD in conducting its own self-assessment. Further, DOJ and the Monitoring Team requested and received a randomly generated sample of force case files, comprised of 10% of all Type I use of force cases from the period from July 1, 2018 to December 31, 2018 (69 case files) and 20% of all Type II use of force cases from the period from July 1, 2018 to September 30, 2018 (15 case files). DOJ and the Monitoring Team, together with their subject matter experts, reviewed these case files for compliance with the terms of the Consent Decree relating to use of force reporting and investigation and SPD's policies regarding the same. DOJ and the Monitoring Team subsequently conferred about their findings and concluded as follows:

- The City of Seattle has demonstrated that it has thus far sustained compliance with the reporting and investigation requirements of the Consent Decree as they relate to Type I and Type II level uses of force.
- DOJ and the Monitoring Team continue to find that overall the quality of review and investigation was satisfactory in general and, in some instances, high. With distinct exceptions, the officers and their chain of command's performance in review and investigation was satisfactory.

DOJ and the Monitoring Team encourage SPD, and the Inspector General who will take over the audit function for this topic area in the future, to give attention to these matters going forward:

- Though satisfactory overall, chain-of-command reviews occasionally overlooked or misevaluated issues relevant to use of force. SPD should continue its efforts to improve the quality and consistency of its reviews of Type I and Type II uses of force.
- During the first audit period, our sampled cases revealed a pattern of Captains' delegating review of Type I uses of force. Notably: (1) SPD policy currently permits delegation of job responsibilities (Policy 1.020(4)); (2) when delegation was used it was uniformly to an Operations Lieutenant in the same chain of command (ensuring continuity of leadership/oversight); and (3) we did not see a diminution in the quality of review in those conducted by Operations Lieutenants. Nonetheless, we were concerned that an unfettered ability to

delegate in the use-of-force review context could be used differently in the future and could have adverse consequences to oversight and continuity of leadership. This delegation pattern continues to be present during this review. Accordingly, we have proposed revisions to SPD policy to ensure appropriate limitations on delegation in this important area.

- In their reviews of both Type I and Type II uses of force in the sampled set, Captains did not always explicitly discuss the adequacy or appropriateness of the Lieutenant's review. While all parts of the chain of command should evaluate the reasonableness and propriety of the force itself, they must also serve as a check on the adequacy of review in the levels below them. We encourage Captains to expressly state what they have done to verify their lieutenants have also done their jobs in appropriately investigating and reviewing force.
- On occasion, chain of command reviews of Type I uses of force failed to mention whether the reviewing lieutenant's analysis was approved. This is a critical step in the force review process that helps ensure that the department's expectations are being met. This critical step also helps with the development of subordinate personnel. SPD should make sure this requirement is completed.

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